



PUBLIC NOTICE

Federal Communications Commission
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Dec 13 4 11 11 PM '05

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DA 05-3165
Released December 9, 2005

PLEADING CYCLE ESTABLISHED FOR FRONTIER'S PETITION FOR DECLARATORY RULING REGARDING THE APPLICATION OF ACCESS CHARGES TO IP-TRANSPORTED CALLS

WC Docket No. 05-276

COMMENTS DUE: January 9, 2006

REPLY COMMENTS DUE: January 24, 2006

On November 23, 2005, Frontier Telephone of Rochester, Inc. (Frontier) filed a petition for declaratory ruling that USA Datanet (Datanet) and any similarly situated carriers must pay tariffed originating interstate access charges for Feature Group A calls from Frontier's end users.¹ Frontier filed its petition after the United States District Court for the Western District of New York stayed Frontier's case seeking payment of access charges from Datanet for originating Feature Group A access services.² The court found it appropriate to stay the case pending the FCC's resolution of the issues raised by Frontier.³ In its petition, Frontier seeks a declaratory ruling that it is owed originating access charges for IP-transported Feature Group A calls for the following interstate access rate elements: 1) end office common trunk port; 2) end office local switching; 3) local transport tandem transmission – fixed; and 4) local transport tandem transmission facility.⁴ Frontier asks for consolidation of its petition with existing WC Docket No. 05-276, which is examining petitions for declaratory rulings filed by SBC and VarTec on

¹ Petition of Frontier Telephone of Rochester, Inc. for Declaratory Ruling, 1-5 (filed Nov. 23, 2005) (Frontier Petition). Feature Group A calls require calling parties to input a seven-digit number, obtain dial tone from another carrier's switch, input a personal identification number, and then the telephone number of the called party. Frontier Petition at 2.

² Frontier Petition at 4-5; *Frontier Telephone of Rochester, Inc. v. USA Datanet Corp.*, No. 05-CV-6056 CJS, Decision and Order, 13-14 (W.D.N.Y. Aug. 2, 2005).

³ *Frontier Telephone of Rochester, Inc. v. USA Datanet Corp.*, No. 05-CV-6056 CJS, Decision and Order, 13-14 (W.D.N.Y. Aug. 2, 2005).

⁴ Frontier Petition at 3.

similar IP access charge issues.⁵ We will include Frontier's petition in WC Docket No. 05-276 due to the similarity of the issues raised in the petition and in that docket.⁶

Interested parties may file comments on or before **January 9, 2006**, and reply comments on or before **January 24, 2006**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁷ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed.⁸ In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, in this case **WC Docket No. 05-276**. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.⁹

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). **Parties are strongly encouraged to file comments electronically using the Commission's Electronic Comment Filing System (ECFS).**

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

-The filing hours at this location are 8:00 a.m. to 7:00 p.m.

-All hand deliveries must be held together with rubber bands or fasteners.

-Any envelopes must be disposed of before entering the building.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

⁵ Frontier Petition at 1; *Pleading Cycle Established for SBC's and VarTec's Petitions for Declaratory Ruling Regarding the Application of Access Charges to IP-Transported Calls*, WC Docket No. 05-276, Public Notice, DA 05-2514 (Wireline Comp. Bur., Sept. 26, 2005).

⁶ On December 6, 2005, Datanet filed an opposition and motion to dismiss Frontier's petition. USA Datanet Corp. Opposition and Motion to Dismiss (filed Dec. 6, 2005). We will address Datanet's filing in the context of this proceeding.

⁷ *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11,322 (1998).

⁸ If multiple docket or rulemaking numbers appear in the caption of a proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption.

⁹ If more than one docket or rulemaking number appear in the caption of a proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12th Street, SW, Washington, D.C. 20554. Parties should also send a copy of their filings to Jennifer McKee, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A263, 445 12th Street, SW, Washington, D.C. 20554, or by e-mail to jennifer.mckee@fcc.gov. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in WC Docket No. 05-276, including the Frontier Petition, are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹⁰ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.¹¹ Other requirements pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.¹²

For further information, contact Jennifer McKee of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1530, or jennifer.mckee@fcc.gov.

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¹⁰ 47 C.F.R. § 1.1200 *et seq.*

¹¹ See 47 C.F.R. § 1.1206(b)(2).

¹² 47 C.F.R. § 1.1206(b).